

## URGES THAT SUIT BE INSTITUTED

Justice Peckham of Supreme Court Advises Action Against Former President of Mutual Life.

### McCURDY GOING TO EUROPE

LEGAL PROCEEDINGS MAY STOP HIM.

New York, Feb. 17.—The recommendation that a suit be instituted against Richard A. McCurdy, former president of the Mutual Life Insurance company, is made in a letter written by United States Supreme Court Justice Rufus W. Peckham to the special investigating committee of the Mutual and made public today. The letter states that the suit should be begun before Mr. McCurdy leaves this country for Europe as he has reported intention, and its object should be to recover money which Mr. McCurdy may owe the company.

Written to Committee.

In making this letter public Charles A. Peabody, president of the Mutual, gave out a letter of his own in which he said that he did not think Justice Peckham would have any reason to find fault with the action of the company relative to the matter to which he refers. The Peckham letter was given to Mr. Peabody by William H. Truesdale, the chairman of the Mutual's special investigating committee, to whom it was originally written. Justice Peckham was formerly a trustee of the Mutual Life Insurance company. His letter, dated at Washington, Feb. 12, is as follows:

Justice Peckham's Letter.

"I see that it is publicly stated that Mr. McCurdy is preparing to leave for Europe to remain indefinitely, and I think it would be an inexcusable mistake for the Mutual Life Insurance company to permit him to leave the country without the commencement of an action against him in the name of the company to recover the money he owes it.

"The attorney general might properly find fault that the company was not itself doing its utmost to recover the money wrongfully obtained by McCurdy, the chief delinquent in the matter, and I feel as though an action ought to be commenced before the departure of Mr. McCurdy for Europe. Does it not so appear to you?"

Urges Immediate Action.

"The board at the meeting, as I understand, gave authority to the president to commence any action which the counsel of the company advised, and such counsel advised as to Mr. McCurdy that an action could be maintained against him.

"I write your committee because your action carries great weight, and I hope it will be in the line of urging the immediate commencement of a suit against Mr. McCurdy."

After reading this letter President Peabody sent the following letter to Mr. Truesdale:

"Judge Peckham's opinion in connection with the matter has great weight, and justly so. I do not think he will have any reason to find fault with the action of the company in the matter to which he refers, and I shall certainly do all that is in my power to work out a plan which will meet with his commendation."

100,000 Rolls Wall Paper

Just received at Z. C. M. I. The hand-somest line ever shown in this city.

BALFOUR'S OPPONENT.

London, Feb. 17.—L. S. Montague, son of Sir Samuel Montague, the well known banker, will be the Liberal parliamentary candidate for the City of London against former Premier Balfour.

## Free Catarrh Remedy Gives Instant Relief No More Bad Breath



"My Secret Remedy Quickly Cures Catarrh."—C. E. Gauss.

Catarrh is not only dangerous, but it causes bad breath, ulceration, death and decay of bones, loss of thinking and reasoning power, kills ambition and energy, often causes loss of appetite, indigestion, dyspepsia, raw throat and reaches to general debility, idleness and insanity. It needs attention at once. Cure it with Gauss Catarrh Cure. It is a quick, radical, permanent cure, because it kills the system of the poison germs that cause catarrh.

In order to prove to all who are suffering from this dangerous and loathsome disease that Gauss Catarrh Cure will actually cure any case of catarrh quickly, no matter how long standing or how bad, I will send a trial package by mail free of all cost. Send us your name and address today and the treatment will be sent you by return mail. Try it. It will positively cure so that you will be welcomed instead of shunned by your friends. C. E. GAUSS, 963 Main St., Marshall, Mich. Fill out coupon below.

FREE.

This coupon is good for one trial package of Gauss' Combined Catarrh Cure, mailed free in plain package. Simply fill in your name and address on dotted lines below and mail to C. E. GAUSS, 963 Main Street, Marshall, Mich.

## CHINA'S BOYCOTT WILL CAUSE WAR

So Says Carl B. Hard, Just Returned From the Philippine Islands.

### PREPARING ON BOTH SIDES

U. S. AND FLOWERY KINGDOM TO BECOME EMBROILED.

That serious trouble will result soon from the Chinese boycott of Americans, is the opinion of Carl B. Hard, a former Salt Lake. Mr. Hard has been a resident of the Philippine islands for the past six years and returned to Salt Lake yesterday on a visit to his sisters. He left Salt Lake as a commissioned officer in the U. S. battery. Four years ago he became associated with the secret service of the islands and is now assistant chief of that service in Manila. He will remain in this city for several weeks, the guests of his sisters, the Misses Lela and Elizabeth Hard.

"It seems to be the opinion of nearly everyone living in the far East that some serious trouble will result from the present condition of affairs in China," said Mr. Hard last night. "The action of foreigners for the past several years has been most irritating to the Chinese. We have all felt for two years that trouble would be the inevitable result. I believe it will be like the Boxer uprising if all signs do not fail. The Chinese have been preparing for the present crisis at least five years. They have manned their ships with first-class foreign officers and have engaged foreign instructors in nearly all military and naval schools. It is all a cleverly laid plan on the part of the Chinese. They will be hard to beat this time, for they are well prepared. By aping American customs they have assimilated to a large extent American methods and cleverness. This with their native shrewdness will stand them well in hand.

"From indications, America will not be caught as she was before. Thousands of soldiers are being rushed into the country. The preparations in Manila are being carried on with a view to a long war. Everything in the way of supplies is coming into Manila by the boatload. If trouble does come, and I believe it will within a doubt, America will give China the hardest fight she has ever had. But we shall have to fight hard and long to win.

"Of all cockney nations on earth today, Japan is the leader," said Mr. Hard when asked what effect her recent victories has had upon Japan. "What Japan needs now most of all is a good, hard whipping. She is just like a boy of the youthful age, feeling that she is invincible. She is struts and tries to dictate, and wants everybody to bow to what she is or is to be. She has given out the hint that nobody will be able to interfere in China and she will be responsible for all of China's acts. Over in the Orient we are feeling the Japanese victories more than can be imagined.

"As individuals are not very well pleased with the Japanese. They are proud, deceitful and over-bearing. One Japanese will not trust another. They are all suspicious of each other as well as of all foreigners. In business nearly all the great Japanese employ Chinese accountants and Chinese to handle all cash. Chances for Americans in Japan are about the same as they are for us in China. Secretly Japan hates America. Openly they profess friendship. This is in line with their deceitful character."

Utah Not Well Represented.

"There are not many Utah persons in the islands now. Major Charles E. Stanton is now paymaster in Manila. He is a leading light in clubdom and a very popular good fellow. Frank Shelly is identified with the civil government. Carlos Young is a good man, and at the same time making a good deal of money in the shipping business. Harold M. Pitt is prominent in club circles in Manila.

"For young men, I am sorry to say, Manila is not a good place. Most all the good things are gone. Living is high and wages are not overly high. The cost of living is getting cheaper all the time, but it will be many days before it is down to the American standard.

"Manila is not a bad place to live in. If one leads a life free from all vices and excesses, gets plenty of sleep and does not work too hard, one may be as healthy as in America. I have been through all the fevers and diseases, but I am still well and strong. The sanitary conditions were bad, and from this cause many suffered, among them myself. Now the sanitary conditions are greatly improved, and sickness is not prevalent.

"Manila has at present between 10,000 and 15,000 foreign residents. There are over 285,000 natives living in the city.

"The mineral resources of the islands have been greatly over-estimated. There are some large copper deposits in the northern portion of the islands, and some good placer claims all through the mountainous section. Beyond this there is little or nothing in mining. There are no bonanzas of any kind, I believe."

### PLANS FOR THE NEPHI TRIP.

M. & M. A. Will Run an Excursion to the South March 8.

The Manufacturers and Merchants' association held its regular meeting last evening. After completing the regular routine business the association made plans for a trip to Nephi March 8.

The train will leave Salt Lake at 7:30 a. m. over the Salt Lake road. Stops will be made at all principal stations both going and coming. A stop of an hour and a half will be made at Nephi and on the return trip the association will be entertained by the Provo Commercial club at that place from 5:30 to 8:30 o'clock, when they will leave for Salt Lake, arriving here at 11:30 p. m.

Two kinds of labels have been adopted—a small one-color one and a larger three-color. Zinc etchings of these will be supplied to manufacturers of large amounts, while the association will furnish the finished product to the smaller users. Both are to be supplied at the actual cost. All food-stuffs must be approved of by the Ladies' auxiliary before the label can be used; in other cases by the association itself. The association also authorized an increase in the price force.

## STATE NEWS WHERE IS JED SPRATLY?

Left Mercur for Colorado in December—No Word From Him Since That Time.

(Special to The Herald.) Mercur, Feb. 17.—Jed Spratly, a well known citizen of Mercur, disappeared a few months ago in such a manner as to awaken suspicions of foul play. His brother, George Spratly, was the owner of a valuable mining claim near Boulder, Colo., where he was suddenly killed by an explosion of dynamite. Hearing of his brother's death, Mr. Spratly left Mercur on December 23, to take charge of the estate and look after the mining property. On December 31, Mrs. Spratly received a card which had been mailed in Boulder on December 27. This card stated, "I have arrived safely," but neither the message nor the address were in her husband's handwriting.

The president of the Mercur Miners' union, Mr. Anon, wrote the secretary of the Boulder union and received a reply, stating that Jed Spratly was seen in Boulder on December 28, after which time no trace of him could be found. The Mercur postmaster communicated with the sheriff of Boulder county about the case, but received the reply that although diligent search had been made by the chief of police of Boulder, the coroner and himself, no trace of the missing man was found.

Mrs. Spratly, the wife of the missing man, is almost prostrate with grief over her husband's disappearance, and has met with foul play.

### NEW MILITIA COMPANY.

Mt. Pleasant Boys Considering Idea of Again Organizing.

Mt. Pleasant, Feb. 17.—Another attempt is being made to organize a militia company in this city. A number of young men have signified the intention of becoming associated with the National guard if a company is started here, and accordingly Captain Thomas Brady has called a meeting for next Tuesday evening, at which time an attempt will be made to get the "stars and stripes" had at one time a fine company of about fifty members, but when the time of enlistment expired, no attempt was made to continue it.

Bishop Christian Christensen of Chester, is in this city at the residence of soon-law, Peter A. Larsen, under a physician's care, he being afflicted with a disease which has been pronounced incurable by the doctors. The disease is a malignant abnormal growth with which the bishop is affected, which has made such progress that it cannot be removed. It has been apparent to Mr. Christensen for nearly a year that a foreign growth was appearing, but he neglected to call a physician until last week, when Dr. Stewart of this city was asked to make an examination. After a short examination, the doctor advised an immediate trip to Salt Lake and an operation, that being the only relief. Early this week the trip was made, but the Salt Lake physicians would not venture an operation, with the disease advanced as it was. Accordingly Mr. Christensen was brought back here. He has been a prominent man in the county for years.

### BREAKDOWN AT THE MILL

High Speed Engine at Daly-West Out of Commission—Works Hardship on Men.

Park City, Feb. 17.—The High speed engine at the Daly-West mill broke down again last night and as a result a large crowd of men will be out of work for several days or at least until the new piece of the engine arrives from the east. An effort will be made to run the mill with electricity, but the power company are already supplying the Ontario drain tunnel it is probable that this can not be done.

Last evening in the Masonic hall the members of the D. of H. surprised Ontario lodge No. 1, O. U. W. A. and a regular meeting of the D. of H. was held by inviting them to a programme that a committee in charge had arranged and also to refreshments. The evening was most enjoyable and will be long remembered by all those present.

John Wyckoff returned from a brief visit in the city today. James Lockhart was among the morning arrivals today. Erick Nielson and wife returned home from the city after a brief visit this morning. James McGregor was in camp on mining business today.

### EPHRAIM NEWS NOTES.

Ephraim, Feb. 17.—The 1-year-old baby boy of Mrs. Thomas Taylor while playing with his brother Friday afternoon suffered a dislocation of a small bone in his right arm. Dr. Jensen was called and reduced the fracture.

The children of Mrs. Sarah Petersen, deceased, held their annual family reunion in the parlor of the Union hotel last night.

A meeting for the purpose of organizing a new trial club for this city has been called for tonight at the city hall.

The Primary association of the North ward will give a cantata at the opera house this evening.

The Ephraim Abo Percheron Horse association was organized in this city this week. The company has recently purchased a fine horse from an Ogden firm. The officers of the company are as follows: President, Peter C. Petersen; secretary and treasurer, Peter Greaves, jr.; manager, Rasmus Hansen; board of directors, A. C. Nielsen, Jr., Joseph P. Anderson, Peter Justesen, Chris F. Matensen and Henry L. Beal.

President Anthony H. Lund and wife and State Food Inspector Peterson and wife were in attendance at the reunion of the children of Mrs. Sarah Petersen last night.

Arthur Andersen has obtained a position with the D. & R. G. W. railway at Scofield. He left for that place Wednesday.

The sale of the delinquent stock of the Silver Cave Mining company, which was advertised to take place on Feb. 15, has been postponed until March 15.

A directors' meeting of the Silver Cave Mining company was held at the secretary's office in this city Thursday. Among those present from out of town were Theodore Christensen of Gunnison and James Hill and Hyrum Domgaard of Fayette.

Franz Mattson of Salina was visiting with friends in this city yesterday.

The second year normals of the Snow academy held a meeting in the assembly hall last night. George D. Costo of the Glenwood schools delivered a very instructive lecture.

The graduating class of the Ephraim public schools met last night and elected officers for the last year as follows: President, Grover Greaves; vice president, Johnny Rasmussen; secretary, Ethel Christensen; treasurer, Isadell Andersen.

### SECURED CONVICTION OF THREE EMPLOYEES

(Special to The Herald.) Washington, Feb. 17.—A. B. Hayes, solicitor of the internal revenue bureau, returned here today from Greensboro, N. C., where he secured conviction of three former employees of the bureau for making false reports. Eight others will plead guilty to the same charge when their cases come before the court.

Ask your grocery for Vienna bakery bread. "It's the Best."

### UTAHN DIES IN KENTUCKY

Former Editor of Payson Globe Passes Away After Lingering Illness.

Payson, Feb. 16.—News has just reached this city telling of the death of Charles W. Jackson, which occurred on February 14 in Louisville, Ky., at the home of his sister, M. Rhoda Rognon. Mr. Jackson had been ill for some time and had gone from his home in Indiana, to Louisville, in search of health.

Mr. Jackson was for several years editor of the Payson Globe in this city, and was well and generally known here. He went to some extent from this place in company with his nephew, R. G. Rognon of Salt Lake city, and began the publication of a paper there. Five years ago he removed from the north to his old home in Indiana.

The effects of the Strawberry Valley irrigation project is already beginning to be felt in this locality, and the prospects are that the present year will be a very progressive one for Payson. Several business changes have taken place the past six weeks, and more are talked of. Frank Jackson, who came to Payson from Denver, has bought the hardware business of Albert S. Hulse, E. H. McBeth has also sold his hardware business to Calvin and Thomas Reece. The Central Lumber company of Provo, has taken a five year lease of the saw mill at Provo, and will put up buildings and sheds for the starting of a lumber business that will be second to none in the county. A new store owned by O. W. Bradley of Mammoth, is a recent business adventure. Two excavations have been made for brick business, blocks on depot street, and rock is being hauled for the foundation for a third structure. One object of the club will be to see that the fish and game laws of the state are not broken.

The juvenile court held a busy day yesterday trying fourteen youths who were arrested the night before for disturbing the peace. A fine of \$2 each was assessed them.

Mrs. M. H. Ross of Salt Lake city and Mrs. Frank Davies of Provo, have been called to this city by the serious illness of their mother, Mrs. W. C. Wightman.

Deputy Sheriff Barnett and Deputy Game and Fish Warden Jones of Provo are over today assisting in the organization of the Payson Fish and Game club. One object of the club will be to see that the fish and game laws of the state are not broken.

### DEATH CLAIMS A PIONEER

William Fairer, a Resident of Provo Since 1856, Solves the Great Mystery.

(Special to The Herald.) Provo, Utah, Feb. 17.—William Fairer, for half a century a resident of this place, died at 12:30 p. m. today at his home, of congestive chills. Mr. Fairer was 85 years of age and was taken ill about a week ago. His age figured heavily against him and he gradually weakened until the end came.

Mr. Fairer was born in Brigsteer, Westmoreland, England, in 1821. He came to America in 1842, arriving at Salt Lake with his father and other members of the family. He was among the band of pioneers who came to Utah in 1847. He was a member of the rank in the California for gold. He served several years in the missionary fields, and in 1856 moved to Provo, where he had since lived.

Mr. Fairer leaves a wife and six children. He is also survived by two brothers. The funeral services will be held at 1 o'clock Tuesday afternoon at the First ward meeting house.

### MICHAEL SULLIVAN IS DEAD

A Resident of Park City for Twenty Years—Leaves Wife and Large Family.

(Special to The Herald.)

Park City, Feb. 17.—This afternoon at his home on Woodside avenue, Michael Sullivan, an old and respected citizen of this city died of miner's consumption. As a result of his illness, he was an invalid for many years, having lived here for the past twenty years, and during the whole time worked in the mines. He was a native of Ireland and had nine children to mourn his loss. The funeral will probably be held tomorrow at the Catholic church, under the direction of Ontario Lodge No. 1, A. O. U. W., of which he was a member.

### PROVO NEWS NOTES.

Provo, Feb. 17.—The directors of the Utah County Fair association held a meeting here today, attended by most of the members. They voted upon improvements to be made, including an eight-foot fence around the twenty-six-acre tract of land owned by the company. The appointment of an executive committee of three was left to President Irvine.

The forty-third anniversary of the Garden City lodge No. 10, K. of P., will be celebrated Monday evening in Castle hall. Knight block A fine programme has been arranged for the occasion and members of the grand lodge are expected to be present.

The Black Hawk Indian war veterans of the north end of the county will give their annual ball in polo hall, American Fork, on the evening of Tuesday the 27th.

Dr. A. W. Lane of the Utah Gospel Mission will speak in the Congregational church tomorrow evening at 7:30. He will be accompanied by Thomas Hodgson, also in this mission, and by D. H. Green, gospel singer.

I. I. Boak, head counsel of the Woodmen of the World, will deliver an address on fraternal life insurance to the citizens of Provo at the I. O. O. F. hall, Monday evening at 8 o'clock. A fine musical programme will be rendered.

Mr. and Mrs. Peter Olson of Koosharem are visiting relatives in Provo.

County Fish and Game Warden Jones and Deputy Sheriff Barnett went to Payson yesterday and organized a fish and game society. The object of the organization is the protection of fish and game, and similar societies will be organized in each precinct of the county. The members will have authority to make arrests for violations of the fish and game laws, and will be expected to do so.

A meeting of the Provo River Water Users' association of this county was held today in the court house for the purpose of discussing matters connected with the proposed dam on the fourth court, affecting the rights to the waters of Provo river.

Professor and Mrs. D. S. Potter of Bloomington, Ill., were in Provo this week in the interest of the Women's Missionary society of the church. The secretary for Utah, The society owns property in Provo, at 229 South Third street, on which some improvements will be made this summer. Professor and Mrs. Potter left for the south, where they will visit other places in the state where the society holds property.

City Marshal Henry has been notified by Nevada officers that they are holding two runaway boys, Ralph Lawhorn and Grant Allman, for Provo officers, if they want them. The boys are in the prison at the juvenile court, and Mr. Henry will go after him. He will also advise with the parents of the Allman boy and probably bring him back.

Miss Edna Sperry of Nephi is visiting in Provo.

A large number of Provo and Utah county teachers went to Nephi today to attend the joint institute of Utah and Juab county teachers.

J. H. Knickerbocker, optician and watchmaker, has rented W. W. Hall's old stand, 327 South Main.

## AMUSEMENTS.

Some one must have passed the word yesterday that there was a live burlesque aggregation in town, for the Lyric theatre was crowded as never before at an afternoon performance when the curtain went up on "The Yankee Doodle Girl." As is usual with girls of the genus Yankee Doodle, she was received with great favor. There are two acts in "The Yankee Doodle Girl," which is described as a musical, farcical diversion. There's plenty of music and there is diversion enough for eye and ear. In short, Manager Moss has a good card to offer Lyric patrons.

One of the best musical numbers ever presented at the burlesque house is "The Old Cherry Tree," a swing song. A quartette of pretty maids keep the eyes of the "Johnnies" effectively trained on the stage during this number. Other good musical numbers are the duet "A Yankee Doodle Boy is Good Enough for Me," by George Betts and Gladys Clark, and "Kiss and Make Up Again." The music is not all. There is some good character work and a negative virtue in the lack of horseplay.

Among the vaudeville numbers is a thriller on par with the act of the Jap brothers last week—"The Breakaway Barrows," who do a remarkable aerial turn.

Yankee Doodle Girls and Yankee Doodle boys will be seen at the Lyric for the balance of the week.

### BACK FROM THE EAST.

John Lewis of Keith-O'Brien company has returned from a business trip to New York.

W. L. Nicol came back yesterday from the east.

### DEEDS FILED FOR RECORD.

Butte, Mont., Feb. 17.—L. O. Evans, of counsel for the maligned Copper company, returned last night from New York with the deed on all the properties included in the sale by the Helme interests to the company of which Thomas F. Cole is head. These deeds, seven in number, bear date of Jan. 30, 1906, and were filed for record in the office of the clerk of Silver Bow county today, thus completing the formal transfer.

## Piles Quickly Cured at Home

Instant Relief, Permanent Cure—Trial Package Mailed Free to All in Plain Wrapper.

Piles is a fearful disease, but easy to cure if you get it right.

An operation with the knife is dangerous, humiliating and rarely a permanent success.



There is just one other sure way to be cured—painless, safe and in the privacy of your own home—it is Pyramid Pile Cure.

We mail a trial package free to all who write.

It will give you instant relief, show you the harmless, painless nature of this great remedy and start you well on the way toward a perfect cure.

Then you can get a full-sized box from any druggist for 50 cents, and often one box cures.

The druggist tries to sell you something just as good, it is because he makes more money on the substitute.

The cure begins at once and continues rapidly until it is complete and permanent.

You can go right ahead with your work and be easy and comfortable all the time. It is well worth trying.

Just send your name and address to Pyramid Drug Co., 1323 Pyramid Building, Marshall, Mich., and receive free by return mail the trial package in a plain wrapper.

Thousands have been cured in this easy, painless and inexpensive way in the privacy of the home.

All druggists, 50 cents. Write today for a free package.

This spring time sun will soon bring out the effects of the winter's storms on your house. Maybe your house wasn't painted with M. & P. (elastically correct) paint last time. If not be sure and get the right kind this spring. It lasts longer and looks better than others.

### MORRISON, MERRILL & CO.

28 Main Street

CORRECT PAINT SELLERS.

YOU DON'T NEED TO PAY

Any more for silver on account of the recent advance by the manufacturers. We filled in our stock in time, and we can and will take care of your needs at the same prices as last year.

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